

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

To:

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Date of mailing  
(day/month/year)

22.09.2005

Applicant's or agent's file reference  
HARRISON

#### IMPORTANT NOTIFICATION

International application No.  
PCT/GB2004/003612

International filing date (day/month/year)  
24.08.2004

Priority date (day/month/year)  
29.08.2003

Applicant  
A HARRISON (BEDDING) LIMITED ET AL.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>HARRISON</b>		<b>FOR FURTHER ACTION</b>	See Form PCT/PEA416
International application No. <b>PCT/GB2004/003612</b>	International filing date ( <i>day/month/year</i> ) <b>24.08.2004</b>	Priority date ( <i>day/month/year</i> ) <b>29.08.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>A47C23/04</b>			
Applicant <b>A HARRISON (BEDDING) LIMITED ET AL.</b>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of 3 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  <b>12.03.2005</b>		Date of completion of this report  <b>22.09.2005</b>	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  <b>Kus, S</b>  Telephone No. +31 70 340-4154 	

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/GB2004/003612

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/GB2004/003612

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

### Description, Pages

1-10 as originally filed

### Claims, Numbers

1-9 received on 11.05.2005 with letter of 06.05.2005

### Drawings, Sheets

1/2, 2/2 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**Re Item V.**

**1.0.** The following documents are referred to in this communication:

D1: US 4 222 137 A  
D2: US 6 295 673 B1  
D3: US 2 595 072 A  
D4: US-A-2 049 550  
D5: AU 551 300 B  
D6: US-A-2 558 288  
D7: US-A-2 985 895  
D8: US-B-6 295 6731

**2.0. INDEPENDENT CLAIM 1**

**2.1.** The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

**2.1.1.** Document D1, which is considered to represent one of the most relevant state of the art to the subject matter of claim 1, discloses (the references in parenthesis applying to this document):

a bed or mattress including a plurality of ~~pocketed~~ springs (22) and a base (18) to which said springs (22) or some at least of said springs (22) are directly or indirectly secured, said base (18) being movable in the axial direction of said springs (22) so as to vary the compression of said springs (22) or some at least of said springs (22), an upper surface (A) of said bed or mattress remaining in the same horizontal plane or substantially the same horizontal plane (see col. 3 lines 8-14) regardless of the degree of compression of said springs (22) or some at least of said springs (22) and the position of said base (18) (cf. claim 1).

**2.1.2.** The subject-matter of independent claim 1 differs from the disclosure of D1 in that: a plurality of springs are pocketed springs.

**2.1.2.1.** Furthermore documents D2-D7 (see search report) show the features mentioned in point 2.1.1.

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

**10/567796**  
**JAP20 Rec'd PCT/PTO 09 FEB 2006**  
International application No.

**PCT/GB2004/003612**

**2.1.3.** The problem to be solved by the present invention may therefore be regarded as:  
how to provide improved springs.

**2.1.4.** In view of D8 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

the feature of "plurality springs being a pocketed springs" is described in D8. The skilled person would therefore regard it as a normal option to include this feature in the bed or mattress described in D1 in order to solve the problem posed.

**2.1.5.** Therefore the features disclosed in any of the documents D1-D7 and D8 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

**3.0. DEPENDENT CLAIMS 2-9**

Dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT).

All these features are known per se or form part of the prior art used for the corresponding purpose:

**a) claims 2-6:**

- D8: fig. 3; col. 2 lines 38-44
- D3: fig. 2,3,4-7; col 2 lines 62-64
- D2, D4-D7

**b) claims 7,9:**

- D3-D7, figures

**c) claim 8:**

- D1-D7, figures

Furthermore these features concern only constructional developments solving independent problems without producing any surprising effect which would result from their combination.

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/GB2004/003612

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EPO - DG 1

- 11 -

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(77)

## CLAIMS:

- 05 1. A bed or mattress including a plurality of pocketed springs and  
a base to which said springs or some at least of said springs are  
directly or indirectly secured, said base being movable in the axial  
direction of said springs so as to vary the compression of said springs  
or some at least of said springs, an upper surface of said bed or  
10 mattress remaining in the same horizontal plane or substantially the  
same horizontal plane regardless of the degree of compression of said  
springs or some at least of said springs and the position of said base.
2. A bed or mattress according to Claim 1, wherein said pocketed  
15 springs are single pocketed springs, double pocketed springs,  
pocketed springs arranged in end-to-end and co-axial relationship, or  
a combination thereof.
3. A bed or mattress according to Claim 1 or Claim 2, wherein  
20 said pocketed springs are arranged in rows each surrounded or

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- 12 -

partially surrounded by fabric or other suitable material.

05     4.     A bed or mattress according to Claim 1 or Claim 2, wherein  
two rows, three rows or more are each surrounded by a single piece  
of fabric or other suitable material.

5.     A bed or mattress according to Claim 3, wherein the rows of  
10     springs or some of the rows of springs are secured directly to said  
base.

6.     A bed or mattress according to Claim 3, wherein adjacent rows  
of springs or groups of rows of springs are adhesively secured  
15     together and a bar or other means is located between said rows or  
groups of rows of springs.

7.     A bed or mattress according to any of Claims 1 to 6, wherein  
said base is formed of a plurality of sections movable independently  
20     of one another so that the compression of the springs may be varied

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- 13 -

in selected areas or in a selected area of said bed or mattress.

05     8.     A bed or mattress according to any of Claims 1 to 6, wherein  
said base is formed as a single structure.

9.     A bed or mattress according to Claim 7 or Claim 8, wherein  
said base or a part or parts of said base is/are moved in the axial  
10     direction of the springs by one or more air bags, screw motors,  
electric motors, or by means of jack handle(s) or by any other suitable  
means.

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AMENDED SHEET

11-05-2005